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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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DENVER, CO 80202-2466

<http://www.epa.gov/region08>

ADMINISTRATIVE RECORD

Ref: ENF-L

May 10, 2001

Mel and Judy Burnett
Millwork West
P.O. Box 395
Libby, Montana 59923

Libby City Council
c/o Scott Spencer
Libby City Hall
952 East Spruce Street
Libby, Montana 59923

Tony Berget
Universal Drilling
284 Taylor Road
Libby, Montana 59923

W.R. Grace & Co.
c/o Alan Stringer
317 Mineral Ave.
Libby, Montana 59923

Dear Addressees:

I am writing to you concerning the cleanup work that is being performed at the Export Plant in Libby, Montana. EPA is aware that those involved in the cleanup and those who have property interests there have differences of opinion on the appropriate fate of the buildings located within the cleanup area. At this time, EPA has determined that the buildings still contain significant amounts of contamination that requires further cleanup. Prior to any restoration, further cleanup will have to occur. In addition, EPA has noted that the buildings suffered damage during cleanup, but understands that not all of the buildings were in perfect condition prior to the commencement of cleanup. In an attempt to ensure that we proceed into the next phase of work with a common understanding of, and general agreement on how to deal with these buildings, EPA proposes to work with all the parties over the next month to determine each party's needs,



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identify appropriate alternatives and, hopefully, reach a common understanding of next steps. Hopefully, through this process, we can reach an equitable resolution given the above factors.

EPA proposes that each party identify its "needs" for the upcoming work, whether those needs relate to removal of asbestos, restoration or compensation. Once all needs have been identified, EPA and the parties will meet to seek resolution of conflicting needs and to determine next steps. Ultimately, if consensus cannot be reached, EPA will need to make that determination within the authority granted by the Comprehensive Environmental Response, Compensation and Liability Act. Consequently, if you are willing to participate in this discussion, please attempt to answer the following questions in writing, so that we may begin the process.

1. Should the buildings on the Export Plant property be restored upon completion of cleaning, or should they be demolished before any more restoration work is performed? Why?
2. If you believe that restoration should be completed, what would that entail? Please make your answer as detailed as possible about what restoration means to you and why?
3. If the buildings are to be demolished, how should the relocation of Millwork West be accomplished?

Please provide your responses, if at all possible, by May 21, 2001. We will then schedule an initial teleconference on these issues, to be followed up by a meeting during the last two weeks of June. We need to resolve these issues by the end of June so that there is time to complete the work before the end of summer. Thank you very much for your cooperation and participation.

Sincerely,



Matthew Cohn
Legal Enforcement Program

cc: Paul Peronard
Jan Baer, Kirkland and Ellis
Ken Lund, Holme, Roberts & Owen
James O'Brien, O'Brien Law Office